

## **REMARKS TO DETAILED ACTION**

This is a response to the December 22, 2004 Office Action for the above-captioned application. The following remarks are organized by the sections used in the "Detailed Action" section of Examiner's Paper, beginning on page 2 therein:

### **1. 35 USC § 102**

In this section, the Examiner introduces 35 U.S.C. 102(b). No response is required.

### **2. Claim Rejections - 35 USC § 102**

In this section, the Examiner rejects claims 1 through 12, 15, 16, 19 and 20, as anticipated by U. S. Patent No. 5,977,462 to Wolfson. The Applicants cancel claims 1 through 12, 15, 16, 19 and 20, as herein above directed.

### **3. Allowable Subject Matter**

The Examiner indicates that claims 13, 14, 17, 18, 21 and 22 are objected to as being dependent on rejected base claims, but would be allowable if rewritten in independent form including all the limitations of the base and any intervening claims. Therefore, the Applicants have rewritten claim 13 in independent form, to include the elements and limitations of base claim 1 and intervening claim 9. Additionally, the Applicants have rewritten claim 17 in independent form, to include the elements and limitations of base claim 1 and intervening claim 15. Also, the Applicants

have rewritten claim 21 in independent form, to include the elements and limitations of base claim 1 and intervening claim 19. Claim 14 depends from rewritten claim 13, claim 18 depends from rewritten claim 17, and claim 22 depends from rewritten claim 21, and so claims 14, 18 and 22 are allowable in their original form. Therefore, the Applicants wish to pass claims 13, 14, 17, 18, 21 and 22 on to allowance.

#### **4. Additional Claims**

Additionally, the Applicants have added independent claims 23, 31 and 36, all of which are based upon the original base claim 1, with additional limiting language specifically requiring three or more position markers, each having unique user discernable characteristics, which serves to differentiate these claims over U. S. Patent No. 5,977,462 to Wolfson and any other cited reference.

New dependent claims 24 through 30 depend from new base claim 23, new dependent claims 32 through 35 depend from new base claim 31, and dependent claim 37 depends from new base claim 36. All these new dependent claims include the elements of the base claims from which they depend, and so the Applicants request allowance of these claims.

#### **5. Conclusion**

The Applicants believe that all of the Examiner's concerns have been fully addressed and that after due reconsideration in view of the above amendments, independent claims 13, 17 and 21 are in condition for allowance, and dependent claims 14, 18 and 22, are also allowable, along with new claims 23 through 37, as discussed above. The Applicants therefore respectfully request a withdrawal of all rejections and objections.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the application, he is invited to call Applicants' undersigned representative at (509) 453-1319.

Respectfully submitted,

Stratton Ballew PLLC



Chris E. Svendsen  
Reg. Nº 40,193  
213 South 12<sup>th</sup> Ave.  
Yakima, WA 98902  
Phone: (509) 453-1319  
Fax: (509) 453-4704

**CERTIFICATE OF TRANSMITTAL BY FACSIMILE**

I hereby certify that this correspondence, and all referenced documents, are being transmitted via facsimile to the Commissioner of Patents and Trademarks, Washington D.C. at facsimile number (703) 872-9306 on the following date:

Date: March 9, 2005

Name: Chris E. Svendsen

Signature: 